

# **EXHIBIT B**



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF ADMINISTRATION  
WASHINGTON, D. C. 20503

October 25, 2006

Mr. John T. Montgomery  
Ropes & Gray LLP  
One International Place  
Boston, MA 02110-2624

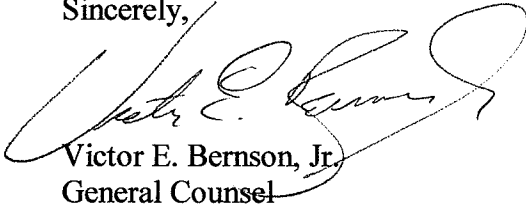
Re: *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No.  
1456, D. Mass. Civil Action No. 01-12257-PBS, Judge Patti B. Saris

Dear Mr. Montgomery:

On October 23, 2006, I received your letter dated October 17, 2006, in which you requested the Office of Administration, Executive Office of the President, approve the testimony of Mr. Christopher C. Jennings, former Deputy Assistant to the President for Health Policy Development, who completed his service in that capacity at the close of the last Presidential Administration in 2001. You made your request in accordance with 5 C.F.R. § 2502.30, *et seq.*

Please be advised that 5 C.F.R. § 2502.30, *et seq.*, applies only to the Office of Administration. Specifically, 5 C.F.R. § 2502.31 pertains to an "employee or former employee of the Office of Administration..." Because Mr. Jennings was not an employee of the Office of Administration, this office is not in a position to act on your request.

Sincerely,



Victor E. Bernson, Jr.  
General Counsel